



Answers to some Questions mov'd upon Occasion of the Overture of the General Assembly 1731.

The following Pages are designed as an Appendix to a much larger Work, intituled, Modern Erastianism unvail'd, or a further Survey of the Right of Patronages : In which the Rights of the Church, and the Privileges of its Members in the Call and Maintenance of the Ministry, and the Duty of the Magistrate with respect to these, are cleared and vindicated from the unjust Representations of a Pamphlet, intituled, The Right of Patronages reconsidered ; which will be publish'd while the General Assembly is sitting.

QUESTION I. **I***S the New Testament sufficient to direct the Christian Church in the Election of their Ministers?*

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Answer,

Ans. IT certainly is : For, 1. If the New Testament contain any Rule or Directory, any Precept or Example, concerning the Election of Ministers, it must be a sufficient and perfect Rule, or else it should be no Divine Rule at all ; 2 *Tim.* 3. 16, 17. *All Scripture is given by Inspiration of God, &c. That the Man of God may be perfect, &c.*

Objection. “ Tho’, in the Election of Ministers, the
 “ New Testament may be a sufficient general Rule, of
 “ Use under the Direction of the Pastors of the Church,
 “ whom it concerns to see, that Matters be done decently
 “ and in Order ; yet it will not follow, that it contains a
 “ perfect particular Rule.”

Ans. This Argument should be of Force, if in the New Testament there were only some general Heads or Rules laid down, to be used and applied as the Church should think meet ; but the New Testament directs us in particular Cases, as in the Election of *Matthias*, *Acts* 1. 21. &c. and of the Deacons, *Acts* 6. 2, 3, 4, 5. (2.) If there were only some general Directions in their Application left to the Discretion of the Church, there should be no determinate Rule at all, the Matter should depend upon the Church, and not upon the Word. Popish enough !

Secondly, The Christian Church was form’d by Christ and the Apostles into a Society ; and Office-bearers, Rulers, and Overseers, were appointed therein : And it is undeniable, that Men were not to intrude themselves into these Offices at Pleasure ; none had a Right but he who was called of God. Now, there behoved to be a Method of Calling, else every one might have taken upon him these Offices at Pleasure, and that without any Charge of being an Intruder.

Thirdly, There is no well-constituted Society of any Kind, but what hath certain and determined Rules for electing their Overseers and Representatives of the Society ; nor is it consistent with the Safety and Security of the Society, that their Overseers and Representatives be otherwise elected as by a determinate and established Rule : Even so in Christian Society.

QUEST.

QUEST. II. *Can one uniform Method of electing Ministers in a constitute Church, be proven from the New Testament?*

I Have limited and cautioned this Question thus, of electing Ministers in a constitute Church, that I may distinguish from the Appearances and Performances of the Apostles, and other extraordinary Officers in the Church, when the Gospel was first preached to the Nations. But the Question is precisely, If in an established Church, as *Corinth*, *Ephesus*, &c. where there were fixed Pastors, having a particular Relation to particular Flocks, there was one uniform Method of electing Ministers? or any Thing in the Practice and Example of the Apostles, directing to such a Method?

Ans. Surely there was one uniform Method, and it behoved to be so; 1. For the preserving of Order and Harmony in all the Churches, which would have been greatly interrupted, if one particular Church-Society had followed one Course and another a different Course.

2. The ordinary Pastors were the same as to their Office, and their Relation to particular Flocks was the same, and the Privileges of the several Christian Societies duly constitute were the same.

3. No Condescendence can be made of constitute Churches in the New Testament, as *Corinth*, *Galatia*, and the *Asian* Churches, that in the Election of Pastors, or what else concerned the Worship, Discipline, and Government of the Church, they differed. When the Apostles ordained Elders in every Church, I will afterwards show, that by *Suffrages* they ordained them Elders in every Church.

4. The Old-Testament Church was very expressly directed as to what concerned the Succession, Consecration and Investiture of their Priests; and 'tis not to be thought, that the New Testament hath left it loose, how they shall be chosen and admitted, who now minister to the Lord.

5. It is generally acknowledged, that without a Mission

and Ordination no Man is to officiate as a Minister : And tho' there be Differences as to the Manner of Mission and Ordination, yet every one pretends their own Way to have a Divine Warrant ; and it is as reasonable to assert a determined Divine Method of electing Ministers.

6. Besides the Doctrine of Faith, and the practical Duties of a Christian Life, the Apostles delivered several Rules to be observed in the Ordination and Admission of Elders and Deacons, and other Things belonging to Church-policy : And so zealous and careful were they for Uniformity, that the Apostle *Paul* prescribes Uniformity to the Churches of *Corinth* and *Galatia*, as to the Time of giving their Charity, *1 Cor. 16. 1, 2.* Now concerning the Collection for the Saints, as I have given Order to the Churches of *Galatia*, even so do ye : Upon the first Day of the Week, &c.

QUEST. III. *May a constitute Church change or alter, as they may judge the Times to require, the Method of electing their Ministers ?*

Ans. 1. **I**T may be needful to distinguish between a duly constitute Church, their changing the Method of electing Ministers, as the Circumstances of the Time require ; and the Circumstances of the Time, their being a Let or Hinderance to their Proceeding according to the New-Testament Rule. A Church, by external Violence and Enroachment, may be obstructed in the regular Election of Ministers ; but this will not infer their changing or altering the Scripture-Method. When they are hindred from proceeding according to the New-Testament Rule, they are passive ; but if, by any positive Deed of theirs, they should alter the Scripture-Method, they should be sinfully active.

2. It may be likewise needful to distinguish between how lawfully the Church may proceed to elect and admit Ministers, in a Way as agreeable to the New-Testament Rule, as the Iniquity of the Time will allow, when they are

are violently hindred from coming up to the said Rule : And the Lawfulness of establishing a Method of electing Pastors upon a humane Model, either to accommodate the Matter with a greater humane Imposition, or, under a Pretence of preventing a more Inconvenient humane Imposition, its being stretcht to its full Force. The first may be lawfully done, the last not so ; as in the Case of the Overture of last Assembly, if it shall be enacted, it is but a humane Invention, and Imposition calculated to make Presentations by Patrons go the more deceitfully down.

So that, 3. A constitute Church cannot, according to the New-Testament Model, lawfully change the Method of electing Ministers, tho' they should not be always able of coming up to the New-Testament Rule :

1. Because this would be upon the Matter to say, Either that there is no certain determined Rule in the Word, or that this Rule may be indifferently used, as the Church shall judge meet. If there be a certain determinate Rule, then it can answer all the Inconveniencies that the Policy of Man can suggest. If this Rule may be indifferently used as the Church shall judge meet, or is left to their Discretion, then we can pretend to no certain Rule, and so all Disputes on this Head might fall to the Ground.

2. Allowing a certain determinate Rule in the Word, according to which Ministers are to be elected, none but the great Lawgiver and Head of the Church can dispense with that Rule, vary or change it : Or, if, for now or then, according to the Church's Exigency and Necessity, the Rule may be changed, then it must be by a Divine Warrant ; but the Church hath no such Warrant, empowering them at their Discretion to change the Rule. If outward Force, Violence, and Encroachment hinder from coming up to this Rule, this is not to be imputed to the Church, as varying or changing the Method ; nor can it be constructed any Compliance with Encroachments, to establish a Gospel Ministry, according to the small remaining Power in the Church's Hands, altho' it should come short of a full Conformity to the New-Testament Rule. When the Church is so unhappily situate, as that it is not possibly in their Power to do better, still this is to

be remembered, that the Church make no positive Compliances with Encroachments, and do no Deed that may contribute to the Support of any such Grievance.

3. It is surely safer for the Church to be short of the New-Testament Rule in electing of Pastors, when this Deficiency is not chargeable upon them, only they are obstructed in the Exercise of their Right, by the Imposition of an unjust Law; than what it is for them to supply this Defect by any humane Invention, Compofure, Contrivance, or Act. To remedy the Restriction of a Christian Right, by a humane Device, is a Reflection upon the infinite Wisdom of the King and Head of the Church, as if his Laws and Institutions could not well balance and overweigh the unreasonable Impositions of Men; and therefore, one humane Contrivance must be set up to destroy another. Tho' one of these humane Contrivances may come nearer to the Rights of Society as another, yet, both of them being only of humane Authority, they cannot, they ought not, in Justice have the Force of a Law, because different from a clearly established divine Right.

QUEST. IV. *What are the rational and scriptural Characters of them who have Right to elect Ministers?*

THE first Character; They who chuse Ministers, ought to act singly, without any Byass or just Suspicion thereof. In all the Matters of God, we ought to act with a single Eye to his Honour and Glory; they who act from no higher Principle, as Friendship, Moven, and secular Influence, should justly be excluded. Tho' it be difficult for the Church to fix the Byass upon them; yet, when on any tolerable Grounds made appear, it should have due Weight; as, when a Person inordinately recommends a Friend, or acts too notourly under the Influence of them, from whom they have received, or may expect, good Offices.

A second Character is, That they own and profess the
stated

ated Principles of the Churches, whose Pastors they pretend to elect, *Acts* 1. 21, 22, 23. *Wherefore of these Men which have accompanied with us all the Time that the Lord Jesus went in and out among us, &c. And they appointed two, &c.* Why do People make Choice of a Pastor, but that he may teach them the Principles which they believe? Will One who regards not the Principles of a Church, make a proper Choice of One to teach the Doctrine of that Church? Will they not rather chuse One, who may be least capable or disposed to wrong or oppose the Principle of the Elector?

A third Character; The Elector of a Minister must be no Enemy to the Constitution of that Church of which the Person elected is to be a Minister. It is not enough that he be One who professeth the Protestant Religion in general, but he must favour the very Constitution maintained by the Pastors and People of that Society. Every Society hath a natural Right to preserve itself, and it can never be safe for a Church-Society, that the open and avowed Enemies of its Constitution elect One to be a spiritual Pastor.

Objection, "Allowing these who agree not with the Society in Doctrinal Principles, to be denied a Vote in the Choice of a Minister, yet it appears not so reasonable to exclude them because of different Sentiments in Point of Church-Policy."

Answer. 1. If there were an Agreement in Doctrinal Principles, I should grant the Matter were the more tolerable. But, 2. If such as are Enemies to our Constitution will elect, they promise to submit to the Ministry of the Elected; and yet Experience shows how little Regard is to be had to such subscribed Engagements. 3. We cannot reasonably suppose, that they, who are Enemies to our Church-constitution, will shew a due Concern for it in the Election of Ministers, and will not rather so act in this Matter, as to weaken and endanger the Establishment. Every one of us know what Hurt was done this Church, when the unhappy Resolves were concluded for admitting Malignants into Places of Civil Trust; and one should think, that, if these brought forth such Mischief to the Church, it were equally dangerous, to allow such to be Chusers

Chufers of the Ministry. So careful and strict was the Reformed Church in *France* of maintaining their Church-constitution, that, by a Decree of the third Synod of *Charonton*, Anno 1654, among other Baptifmal Engagements, a Promise is made to submit to the Order and Discipline of their Church : Upon which I may obferve, 1. That, when their Church was in the greateft Hazard, they took not the Way of the Overture of the laft Afsembly to flack the Reins of Discipline, they become the more strict. 2. That, as Baptifm was more precifely personal than the Electing of a Minifter, fo the Order and Discipline of their Church was in lefs Hazard by baptizing without fuch Engagements, than if thofe not fo engaged had been admitted to chufe Minifters. 3. Seeing thefe they baptizd were fo bound, we fee that none had a Right to chufe a Minifter, but they who were bound to the Order and Conftitution of their Church, unlefs any fhould foolifhly think, that they allowed unbaptized Perfons this Privilege : For, tho' many had this Privilege who were converted from Popery, and were not rebaptized by the Reformed Church ; yet, among us, as well as among them, all fuch Profelytes are taken bound to the Doctrine and Conftitution of the Church.

Some reason thus, “ What is the Harm for them who
 “ are not Presbyterians to vote in the Choice of a Presby-
 “ terian Minifter, when they can elect none but fuch as
 “ the Church have admitted, or fet furth as Candidates
 “ for the Ministry ? ”

Answer. 1. It is true they can elect none but fuch as the Church have fet furth as Candidates for the Ministry ; but, when once they find the Power of Election in their Hands, they can encourage their Gallio Friends to fet out for the Ministry, and make them Instruments of the Church's Ruin : They may elect Men, who, tho' not unworthy of the Ministry in fome one or other Corner of the Church, yet unfit to labour in more important Places ; fo that weaker Men being put in more difficult Stations, the whole becomes a Prey. 3. They may, and for ordinary do, elect Men difagreeable to Congregations, whole Labours are unacceptable to them on whom they are ob-
 trued

truded, so that the Ministry falls into Contempt, and the People become a Prey to Seducers. 4. If it be a sufficient Restriction of their Capacity of doing Harm, that they can elect none but such as are in the Ministry, or are Candidates for it, by the same Reason we might make an Act, admitting Papists to elect, or Patrons to present, because they can elect or present none but such as are Ministers of the Church, or Candidates for the Ministry.

A fourth Character is, That the Electors of Ministers ought to be actual Members of that Congregation to whom the Person elected is to be a Minister. Reason would plead, That the duely qualified Parishioners are they whom this Affair immediately concerns, and who are to be considered in this Matter: For, seeing it is as Christians, and Members of a Christian Society, that I have this Privilege, no Argument can be formed upon secular Interests, supporting a Title in this Matter.

It will not do to say: "That, tho' Heritors are not presently Members of the vacant Congregations, yet they may come and dwell upon their Estates, and so are to be allowed a Vote, as if they were at present dwelling in the Parish." For

Who are they who should chuse a Minister but they who want one? The Heritor, who dwells in another, as the vacant Parish, wants not a Minister, and therefore hath no Title to elect for that vacant Parish. If non-residing Heritors vote, because they may possibly go to the vacant Parish, and dwell on their Estates, the Tenant of one Parish, who hath taken a Tack in the vacant Parish, and is firmly purposed to dwell there at *Whitsunday*, should be also considered, tho' at present he be no Parishoner, but is, by his Tack, bound to be one at the next Term. Again, If non-residing Heritors vote in the Election of a Minister to the vacant Parishes, because they may come and dwell upon their Estates, this only can respect such as can dwell upon these Estates; so that some Heritors, however considerable their Interests may be, should have nothing to say upon this Footing, because Societies and Incorporations cannot well dwell upon their Estates; and these who have Interests in Fishing cannot do it at all, unless aboard their Boats and Crive-walls: So that when the
Rights

Rights of Heritors is pleaded, there would need to be a great many Distinctions, which the Overture of Assembly hath not taken Notice of, and so it proves, at best, but a loose, dubious and uncertain Rule.

A fifth Character, The Elector of a Minister should be of a Conversation becoming the Gospel of Jesus Christ: I should reckon this Character would not be disputed; only, it is to be observed, that when some People cannot with Credit deny a Thing, they distinguish it out of the Field, or rather distinguish themselves out of their Duty. By the Act of Assembly 1649, a scandalous Person is not allowed a Vote; but I am afraid it is not duly consider'd what may denominate a Man a scandalous Person. 'Tis often charged upon us, and, as to our Practice, not without Ground, that we so conduct, as if our Discipline only respected one or two Scandals. For my own Part, whatever may be Practice, I am perswaded it falls within the Compass of our Discipline, that they are scandalous who either dishaunt Ordinances altogether, or attend at *Jacobite* Meetings, do journey, and without Necessity travel on the Lord's Day, are customary Swearers. Now, if but all such, whether Heritors or People, were denied a Vote in the Election of Ministers, there would be a great Reduction among the Voters: And whether they would, in Proportion, be most numerous among Heritors, I shall leave it to a proper Court of Inquiry, which I expect to see constitute, when the Giving of very considerable Ecclesiastick Privileges to many of the most abandoned Characters is at an End.

A sixth Character of them who should be admitted to elect Ministers, is, They ought to be Persons, who are full and complete Members of the visible Church; that is, Persons who participate in all the Ordinances, Word and Sacraments: For, 1. Such as are not admittable to the Lord's Table, are these who are either ignorant, or scandalous; if scandalous, then, by the Act of Assembly 1649, such are not allowed a Vote in the Election of a Minister. If not admittable, because of Ignorance, then unfit to make a proper Choice of a Minister. 2. The Sacrament of the Lord's Supper being the alone Ordinance of Confirmation of them who in Infancy were baptized,
how

now unreasonable is it, that they who have never made any solemn publick Profession of their Faith, should be allowed to elect a Gospel-Minister? Hath it not been experienced since the Reformation, that Papists have gotten Indulgencies to be Hearers of Protestant Ministers, providing they did not communicate with them: So that if all ordinary Hearers should elect, what a dangerous Situation must the Church be in? 3. If the Members of a visible Church do not communicate through a Carelessness about, or Contempt of, the Supper, they are then justly to be esteemed scandalous, and, as such, should not be honoured with a Voice in the Choice of a Minister. 4. We find, *Acts* 1. that they who were concerned in the Election of *Matthias*, were such as fully followed Christ, and his Apostles in their Ministrations.

The *Wirtemberg* Confession, on the Head of the *Eucharist*, have these Words; *Hoc Christi institutum verus & vera Ecclesia tam severiter observavit, ut eos, qui in hoc sacro presentes non communicarent, excommunicaverit.* To which they add the Words of *Anacletus* in his first Epistle. *Peracta consecratione omnes communicent. Qui noluerint, Ecclesiasticis carere liminibus, sic enim & Apostoli statuerunt & sancta Romana, tenet Ecclesia.* And from the Council of *Antioch*, Chap. 2. *Omnes qui ingrediuntur Ecclesiam Dei, & sacras scripturas audiunt, non autem cum populo in oratione communicant, & aversantur sanctam assumptionem Domini sacramenti, secundum aliquam propriam Disciplinam, hos ab Ecclesia abjici oportet.*

The Synod of *Poitiers*, Anno 1560, it being demanded, "What Course should be taken with such, who
 " having been a long Time Members of the Church, yet
 " do not communicate at the Lord's Table, lest they
 " should be obliged to a total Renunciation of Idolatry?
 " The *French* reformed Church answer, That if, after
 " some convenient Time, and Admonition given them,
 " they do not reform this their Neglect, they shall be
 " cut off from all Communion with the Church."

I own there are some serious exercised Persons who are afraid to approach to the Lord's Table, whom it might be inconvenient to exclude. For, if in any Case Exceptions
 from

from a general Rule are to be admitted, they are in this Case ; but the Exceptions of this Kind will be so few and rare, that there may be little Ceremony about their being allowed ; nor is the Church in Hazard by such as are so tenderly affected, nor will they readily, who are under such Straits in their own private Exercise, be very forward in meddling in Matters of such publick Concern.

A seventh Character of them who should be allowed to vote in the Election of Ministers, is, That seeing we are bound by the Law of God to regard and honour our Rulers, and seeing the Lord hath blessed us with a Christian Magistracy, who protect the Church in her Liberties, Persons disaffected to our happy Civil Government ought not to be allowed a Voice in the Election of Ministers. By Persons disaffected, I do not mean all these who have some Scruples at the publick Oaths, but otherwise give all imaginable Demonstrations of Affection to his Majesty's Person and Interest; and in Times of Need are found among the first and readiest to defend his Person and Title. Nor by good Affection to the Government, do I mean these, who, tho' they have taken the Oaths, do yet attend *Jacobite* Meeting-houses, where his Majesty King *George* may not be prayed for. It requires no Art for a Church-Judicatory to distinguish betwixt the two, and to determine who hath the preferable Title ; they who daily pray for his Majesty, and give unquestionable Demonstrations of their good Affection to his Person and Title, or they, who, tho' they have taken the Oaths, cannot hear the King prayed for, but desert other Ordinances, and attend *Jacobite* Meeting-houses, where King *George* is not prayed for, as some of our Justices of the Peace do, the Men who should discourage these Nurseries of Rebellion.

Objection. " You was pretending to speak of the Election of Ministers, as the Deed of the Church, how come you to form the Character of an Elector upon a Civil Consideration and Capacity ? "

Answer. 1. I grant, that, as the Subject of a Commonwealth, I obey the Magistrate, but I do that in regard to a Moral Precept ; and the Trampling upon a Moral Precept must be highly offensive to the Church, and what makes

makes a Man scandalous to the Church, doth justly exclude him from a Voice in chusing a Minister. 2. The Church ought to preach up Obedience to the Civil Powers, and he who counteracts their Admonitions, is yet more formally an Object of their Censure, and while such, should not be admitted to elect a Minister. 3. How reasonable and just is it, that the Church, which hath the Protection and Concurrence of the Christian Magistrate, should study the Security of his Majesty's Government, which is not done when Persons disaffected to his Government are allowed to vote in the Election of Ministers.

QUEST. V. *Should any others be allowed to vote in the Election of Ministers, but they to whom these Characters belong?*

Ans^r. 1. **A**fter the Election is made by Persons qualified as above, if any others, not so qualified, offer their Acquiescence, the Church may, *ex superabundanti*, receive it; but that they should be so considered, as to have a decisive or determining Influence in Elections is refused. For, 2. With respect to the several Characters of them having Interest to elect, they who are openly scandalous, or act under notour Biass, cannot in Reason be admitted; and as unreasonable is it to admit them who are open Enemies to the Principles and Constitution of a Church, they will endeavour the Weakning of both, as far as an improper Election can go, if they be admitted. And still unreasonable may it be thought, that they should be allowed to chuse a Minister for a Congregation, who are not Members of that Congregation, or that they, who, tho' they may be Members of the Congregation, yet do not partake of, or submit to, Ordinances in that Church, or who shew not a Regard to all the Ordinances administrate in that Church, or are not admissible to these, or are Enemies to our happy Civil Establishment, are disaffected to his Majesty's Person and Title, which this Church should so far maintain, as not to put it into the Hands of disaffected Persons to vote in the Election

Election of Ministers, by which Means we may soon come to have a disaffected Ministry, as well as a disaffected Gentry.

QUEST. VI. *Are the Christian People, or Society of Believers who join in full Communion together, the Persons, who, according to the New Testament, have a Right to elect their Ministers?*

Ans^w. IT is surely such as have Right and Privilege in this Matter; and that they who are not so qualified, have no just and reasonable Title, hath been proven by unanswerable Arguments of learned Men, both of old and of late, Abroad and at Home; upon which I need not enlarge, but shall only, by a brief View of the Matter, offer a few of the Arguments from the New Testament proving this Point.

1. If extraordinary Office-bearers in the Apostolick Times, were not chosen and put into their Offices, without the Suffrage of the Church, far less ought any ordinary Minister to be admitted without their Suffrage, where they will make an Election, and claim their Privilege for that End. *Acts* 1. 21. to the End, *Matthias* was chosen an Apostle by the Suffrage of the 120 Disciples. The Extraordinariness of the Method of Election by Lots will not alter the Matter, nor break the Force of the Argument; for if the Society of Believers gave forth their Lots in this extraordinary (Case which we see they did, as *v.* 26.) by the same Parity of Reason are they to be allowed their Suffrage in ordinary Elections.

Object. "The Apostles were the Electors of *Matthias*, and not the 120 Disciples."

Ans^w. I own this is the Opinion of learned Men, with whom in other Things we do harmonize and agree, and run not so distant off one another in the Method of electing Ministers, if the Matter were duly considered, as some do alledge. But for an Answer to the Objection these Things may be offered; 1. That the Apostles were the

the only Electors of *Matthias*, is said without Ground ; for the Eleven, and the Disciples then assembled, were all one Society, and the Apostles do not distinguish themselves from these, either in the List made for the Choice, or in the giving out of their Lots. 2. If the 120 Disciples gave not their Suffrage, or forth their Lots in the Election of *Matthias*, what Reason can be given why *Peter* stood up in the Midst of the Disciples, and made such a solemn Address to them before they proceeded to the Election ? It will not be admitted here, that the Apostles, the Church Representative were the Electors, or such as gave forth their Lots, and that the 120 Disciples were the Consenters and Approvers of the Choice made: For, 1st, By this Way of Reasoning the Choice should have been previous to *Peter's* solemn Address to the Disciples ; but he tells them before-hand, That One of us must be chosen ; that is, one of this collective Society of Apostles and Disciples, for the Eleven Apostles had a solemn Investiture before now. 2^{dly}, We read, v. 26. That they gave forth their Lots, Who ? *Ans.* v. 21. These Men who accompanied with the Eleven Apostles, all the Time that the Lord Jesus went in and out among them. Lastly, If the Eleven Apostles were the alone Electors of *Matthias*, then, from this it should follow, that the Pastors of the Church were the alone Electors of their Fellow-Pastors ; and so the Matter should be accommodate with the *Episcopalians* of *Rome* or *England*, and a perpetual Bar should be put to any Claim the People should have, either in a collective or representative Capacity : And, as to ourselves, all Disputes about Heritors and Elders, their being Electors of Ministers should be at an End : For, according to this Gloss upon the Election of *Matthias*, they have no Title, and yet even some *Prbyterians*, who are against popular Elections, allow the People a decisive Suffrage, where there is not an Eldership to represent them ; but at the Chusing of *Matthias*, there was no other Eldership as that of the Apostles.

A second Argument for the People's Right of Election, we have, *Acts* 6. 2, 3. At the Election of the Deacons, the Twelve called the Multitude of the Disciples unto them, and said, Look ye out from among you seven Men
of

of honest Report, whom we may set over this Business. From this we see, that the inspired Apostles would not ordain the Deacons, but upon the People's Choice, tho' the Deacons Office only concerned the Disposing of their Alms and Charity. Now, if in such a Case they were allowed to chuse, much more should they chuse, where the Intetest of their Souls is immediately concerned.

Object. "The Deacons were to be Stewards of the
" People in the Disposing of their Goods, and good
" Reason they should be chosen by them whose Goods
" were to be disposed of."

Answer. The Speciousness of this Argument will vanish, if it be considered, 1. That Pastors and Deacons are both alike, as to their Appointment; that is, they are both of Divine Institution, whatever Difference in other Respects may be between them. 2. If People were to be imposed upon in the Election of Church-officers, it were more tolerable in the lesser Concern, than in that of greater Consequence; and if the Lord hath taken Care, that they should be satisfied about the one, much more that they should be satisfied about the other. A Man hath a Right to chuse his Servant, much more hath he a Right to chuse his Wife, because his Interest and Happiness much more depends upon the right Election of the one, than of the other. The Interest of the Church depends much more upon its Pastors, than upon its Deacons; therefore if it have a Right to elect the Deacons, much more to elect the Pastors.

This Argument drawn from the Brethren or Society of Believers their electing the Deacons, is so clear and convincing a Proof of the People's Right to elect their Pastors, that they who are against popular Elections, have no other Shift, as to flee to a poor sophistical Story, saying, That we are not affirmatively to argue from the lesser to the greater.

Upon which I do not refuse, that because I can do that which is least, it will not in Reason follow, that I can do that which is most; but if a lesser Interest gives me a Right, a greater Interest doth much more give me a Right. If the Interest I have in the Church's Charity, gives me

Right to elect a Deacon, the Concern I have in my own Soul gives me an equal, or higher, Right to elect a Minister : And this is a plain, easy, and rational Answer, without any Sophistry.

Thirdly, We read in *Acts* 14. 23. that *Paul* and *Barnabas*, after they had preached the Gospel at *Lystra*, *Iconium* and *Antioch*, they ordained them Elders in every Church ; or, as *Calvin* and *Beza* do render it, when they had by Suffrages ordained them Elders in every Church : I shall not here enter upon the Contentions that are about the Meaning of the *Greek* Word *χειροτονία* ; these who would not have it to signify an Election by Suffrages, expound this Place only as if *Paul* and *Barnabas* stretching out their Hands, that is, by the Imposition of their Hands, ordained Elders : But, as the Word *χειροτονία* ; in the Room it hath in this Place, alludeth to the Custom of the *Greeks* in the Election of their Magistrates, who were approved of the People, by the holding forth, or stretching forth of their Hands ; so, when Imposition of Hands in Ordination is meant, we find another Word used, *1 Tim.* 4. 14. *μετὰ ἐπιθέσεως τῶν χειρῶν τοῦ πρεσβυτέρου*. And in the 13. of the *Acts*, when Hands are laid on *Paul* and *Barnabas*, the Word is, *καὶ ἐπιθέντες τὰς χεῖρας*.

Fourthly, In the established Church of *Corinth*, the Apostle would not so much as send One to bring their Liberality to *Jerusalem*, but such as that Church should approve of, *1 Cor.* 16. 3. It is not very like that this Apostle would have obtruded upon the Church of *Corinth* a Pastor whom they approved not.

Fifthly, In the 2. of *Cor.* 8. 23. the Ministers of the Gospel they are called the Messengers of the Churches ; and in the 19 v. he speaks of a Brother who was chosen of the Churches to travel with us. It is to be observed, that the critical Word, *χειροτονία*, is made Use of here ; so that they who would take it for Ordination by the laying on of Hands, must render the Text thus, *who was ordained of the Churches* : And when they endeavour to bear down popular Elections, I am afraid they establish the Opinion of popular Ordination.

These are but some short Hints of what is enlarged u-

pon long before now, for proving the Right that Christian Societies, duly constitute, have to elect their Pastors ; and the Title hath such a Foundation in Reason, and the common Rights of Society, that it is strange that any should deny the same Privilege to a Christian Society, which is an inherent natural Privilege of Society.

I could here multiply Testimonies from Antiquity, proving the Practice of the Church to have been this very Thing which I now plead ; but, as it would be needless, so it would be impertinent for me to offer any Thing this Way, after what is so copiously done almost by every Body who writes on this Subject. It is enough for my Purpose, that we can prove the Church's Title from the New Testament : And I undertake to give up the Cause, for my Part, if any will shew me from the New Testament, that Heritors and Elders, and not the People, were the Electors of Ministers.

So that if Ministers be the Messengers of the Churches, and chosen of the Churches, and are such as the Churches do approve, it will not do to pass a Bill of Exclusion against the People, because they are not Judges of Ministers Qualifications, therefore they are not to be their Electors.

For, 1. The Election of the People, and their Judgment thereon, is not simply and absolutely, Whether such a Man be fit for the Ministry or not ? that Church-judicatories who have licensed them have already determined ; but their Judgment is, Who is the Man that is fittest for them, who is most adapted to their Capacity, by whom they may be most edified ? This is a Privilege of judging, that none can reasonably deprive them of. 2. If Congregations chuse unfit Persons, the Presbytery are Judges, and it will not be always found that Heritors and Elders are infallible in their Judgment more as the People. 3. Let any Man tell me, if they who submit to Gospel-Ordinances, and hear them whom they elect, are not fitter to make a Choice, as disaffected Heritors, who are never Hearers. 4. If Knowledge and Capacity be a requisite, or needful Qualification in an Elector, then Trial should be made who hath the best Title ; and if, upon Enquiry, the People be found void of Capacity, let them be rejected ; and if the Heritors labour

under this Defect, let them also be rejected. But it will be observed here, that it is a Knowledge in the Word of God, and Principles of Religion, of which Trial is to be made: So that, tho' an Heritor should never so learnedly explain a Proposition in *Euclid*, and the Tenant have no more Mathematicks, as how to till his Ground, or build his Cottage; tho' the Heritor should talk surprizingly to the honest Tenant of the Country of the *Hottentots*, and the Tenant be as bad a Geographer as an *Irish* Papist, who ask'd, if *Jerusalem* was in *Ireland*; yet this will not exclude the Tenant, and establish the Heritor's Title: But, if the Tenant be ignorant in the Principles of the Christian Religion, and the Heritor knowing in these, and One that walks conform thereto, then let the Tenant be rejected, and the Heritor respected. I should be glad Heritors and People were put to this Trial; I am apprehensive the People would not generally be found so ignorant as to be excluded, nor Heritors so generally acquainted with such Matters as to claim such a distinguishing Privilege.

QUEST. VII. *Is the Overture of the last General Assembly, mentioning the Consent of the Patron, and making Heritors and Elders the Electors of Ministers, framed according to, or warranted by the New-Testament Rule?*

Ans. **W**Hatever political Considerations some may alledge, in laying down a proper Rule for the Election of Ministers, it can never be pretended to have Warrant in the Word of God, that Heritors, as such, and Elders, should be the sole Electors of Ministers, or that the Church, in proceeding to elect, should be any Way influenced, directed or determined by the Consent of the Patron: For,

1. If the People vote not, it is because the Election is made by the Representatives. Now, whatever may be said

for the Elders their representing the People, yet the Heritors as such have no representative Capacity, Civil or Ecclesiastick : So that, upon the Footing of a representative Right, Heritors are excluded, and the Overture in its Chain is broken, and is contrary to the Word of God, *Jam. 2. 1, 2, 3. My Brethren, have not the Faith of our Lord Jesus, with Respect of Persons,——For if there come into your Assembly a Man with a Gold Ring, in goodly Apparel, and there came in also a poor Man in vile Raiment,——and ye have Respect to him who weareth the gay Clothing, &c. are ye not partial in yourselves ?* For no Reason can be given why Heritors are so privileged in the Election of Ministers, and the People are not, but that the one are the great and the rich, and the other the poor, and these of lower Rank. 2. In the Case of *Matthias's* Election, it was done by the Multitude of the Disciples ; and the Deacons, *Acts 6.* were sought out, and set before the Apostles by the Multitude of the Brethren : So that, if Heritors be Electors, it is only as Disciples and Brethren ; and their Right, as such, can never in Reason or Justice be exclusive of the Right of another Disciple and Brother. 3. According to the Overture, the People vote not, because they are represented by the Elders. Now, suppose the Elders in this Matter were the People's Representatives, then they are the Representatives of the Rich as well as of the Poor ; and, if so, of the Heritors as well as of the Tenants : For Heritors, as such, are only of the People, tho' the richer of the People. 4. If Heritors distinct from the People, and exclusive of the People, be allowed with the Elders to be the proper Electors of Ministers, it must be because of their Influence as rich Men, and the Dependence which the Church hath on their Riches ; but this Ground of their Right is the Reverse of what we read in the New Testament. There were, in the Days of the Apostles, many poor Disciples and Brethren who had not Estates to sell and to lay at the Apostles Feet, yet are they not excluded from the Election of the Deacons ; and they who had sold their Estates were not the Electors of them who should be Stewards of the Price ; the Multitude of the Disciples and Brethren, the Poor as well as the Rich, had

had this Trust equally in their Hands. 5. As to Elders, it appears to have no Warrant in the Word of God, that they should vote as the Representatives of the People: No Doubt a Call may be so stated, as that, because of the Office and Character of Elders, a distinguishing Regard is to be given them; but that they are the People's Representatives in this Matter, hath not, in my Opinion, as yet been proven. 6. As to the Consent of the Patron, Patronages being a mere humane Device, and a Device that hath brought the Church into Bondage, it might have been expected, that the Church of *Scotland*, who have so often remonstrate against this Usurpation, would never have emitted any Overture, asserting, without any Explication, the Patron's Concern; for when his Consent is mentioned in the Overture, it is said, *and of others concerned*, which plainly supposeth and acknowledgeth his Concern. 7. As to Magistrates and Town-council, altho' they, in Vertue of their Office, are intitled to Regards that Heritors, as such, cannot claim; yet the Room that the *Dutch* Churches gave them, was rather as Consenters to Elections, than proper Electors: And where they have an immediate and particular Interest in chusing a Pastor for themselves and the City in which they govern; yet this should never be understood in Prejudice of the Rights of other Christian Citizens and Parishioners. I have, in my further Survey of Patronages, shown, from *Spotswood*, p. 545, that popular Elections did obtain in the City of *Edinburgh* from the Reformation to 1624 that they were discharged, and the Election was put into the Hands of the Magistrates, Town-council, and Kirk-sessions; so that our Overture, in this Respect, is of a Prelatical Original.

It is commonly objected, "That according to the *French* Discipline, and our second Book of Discipline, and the Act of Assembly 1649, the Elders are the Electors of the Minister."

Ans. 1. As to the *French* Church, whatever Power the Consistory had in the Election of Ministers, it will be found, that without their Consent, and the Consent of the Congregation, a Minister was not to be planted in a Church.

2. As to our second Book of Discipline, Chap. 3. § 5.
 " The Minister is to be chosen by the Judgment of the
 " Eldership, and the Consent of the Congregation, and
 " no Person is to be intruded contrary to the Will of
 " the Congregation and the Voice of the Eldership." I
 wish these who talk, as if we had not a Rule about elect-
 ing a Minister, would consider this, and pass an Act u-
 pon it; that this be the Way, I think this would be a
 popular Election; only the Unhappiness would be, it is
 more favourable to the People than the Overture; and
 if this were the Way of it, none behoved to be thrust in
 on Congregations against their Will, and so many should
 miss their Mark in some of their darling Settlements.

3. As to the Act of Assembly 1649, the Election of
 the Elders and the Consent of the Congregation
 mentioned therein, seems to be exactly upon the Model
 of the second Book of Discipline; and as the Matter is
 expounded by Divines of that Time, it terminates in a po-
 pular Election; for, tho' the Elders elect, yet if the elect
 Person be not agreeable to the Congregation, or if they
 incline another unexceptionable Person as more agreeable
 to them, this was good Ground of Dissent from the
 Election made by the Elders.

Of this Opinion we find the reverend Mr. George Gil-
 lespie, in his Miscellany Questions, p. 26. he moves this
 Objection, *That the Church may not dissent without ob-*
jecting somewhat against the Life and Doctrine of the
Person elected. To this he gives several Answers; as,

1. *If this be all the People may object, it is no more than*
Prelates, yea, Papists have yielded. 2. *Any Man, tho'*
not a Member of the Congregation, hath Place to ob-
ject on such Grounds: So that, unless the Congregation
shall have something more as Liberty of objecting, they
have no Privilege but what is common to Strangers as
well as to them. 3. *Tho' nothing be objected against*
the elected Person's Doctrine and Life, yet, if the
People desire another better or as well qualified, by
whom they find themselves more edified, that is a Rea-
son sufficient, if a Reason may be given at all. So
 that,

4. We

4. We see, that altho' the General Assembly 1649 made such an Act for the more expeditious electing of Ministers, according to the above Way of understanding it, it was in Effect a popular Election. But, inasmuch as Corruptions do so much prevail, and that even that Act in 1649 is now otherwise interpreted as it was then, the surest and safest Way is, for the People duly qualified to vote, *propria persona*. But then,

5. Whether we betake ourselves to the *Dutch* or *French* Discipline, to our own second Book of Discipline, or to the Act 1649, there is nothing in either of these constituting Heritors Electors, or acknowledging the Concern and Interest of the Patron; and yet our second Book of Discipline was composed at a Time when Patronages obtained, and according to the *Reconsiderer* were more rigorously exercised as now.

6. That the Election of the People or their Consent is such a *sine quo non*, that no Minister should be settled without it, doth appear to have been a very early Principle of the Church of Scotland; as first Book of Discipline, Chap. 4. § 2. *It appertaineth to the People, and to every several Congregation, to elect their Minister.* § 4. *Altogether this is to be avoided, that any Man be violently intruded and thrust in upon any Congregation; but this Liberty, with all Care, must be reserved to every several Church, to have their Votes and Suffrages in the Election of their Ministers.* And, as to the second Book of Discipline, Chap. 3. § 4, 5. I have quoted that already. By an Act of Assembly 1562, *All Ministers who have not been presented by the People, are inhibit till further Trial: The General Assembly, at Perth 1597, doth forbid the chusing of Ministers without the Consent of their own Flocks.* And the Assembly 1638 doth enact, *That no Person be intruded into any Office of the Kirk, without the Consent of the Congregation to which they are appointed.*

QUEST.

QUEST. VIII. *What should be the Inconveniencies of turning the Overture into a standing Law?*

Answ. 1. SUCH a Way of modelling the Election of Ministers, is to depart from the New-Testament Rule, and to establish a humane Device as the Rule; which is the more unbecoming in the Church of *Scotland*, which hath so long wrestled against the Inventions of Men.

2. It is not only a humane Device, but such a Device as is not framed according to what the Members of a Society may reasonably claim. And there is this obvious Inconveniency in a humane Device, that it cannot answer to every Time and Place, even without extraordinary Emergents: But the Word of God, as it should be our alone Rule in this Matter, so it can suit with different Times and Places. There may be a Church where there is neither Heritor nor Elder; in that Case the Right of Election must be in the People's Hands, and no Reason can be given of taking it out of their Hands where there are Elders.

3. If the Overture should be turned into Act, in many Places the People should have no Election at all, no personal Suffrage, this is denied them by the Overture; nor Choice by their Representatives, because in many, yea, in most Parishes (for ought I know) the Heritors are more numerous as the Elders: So that in all such Parishes the Heritors have the Power in their Hands of determining the Election. As for Example, there are in a Parish a Dozen of Elders, who represent Two hundred Heads of Families; there are Twenty Heritors who elect with the Elders, but the Twenty Heritors being supernumerary to the Twelve Elders (according to the *Overture*) carry the Election against the Elders and Parishoners; and it may fall out, that there are not Three of these Heritors residing in the Parish. I need not stay in shewing the absurd Consequences of such a Method of Electing, they are obvious. 4. In sundry Pa-
rishes

rishes the Heritors who are disaffected to Kirk and King, are more numerous as the Elders and well-affected Heritors put together: But, according to the *Overture*, the disaffected Gentlemen, being the Majority of the conjunct Meeting, do carry it against the Elders and well-affected Heritors. And how this will contribute for the Security of Church or State, needs no Commentary.

5. In Parishes where there are no Elders, either the People give their Suffrage, or Elders must be ordained before there be an Election. If the People vote *per capita*, where there is no Eldership, and if the Heritors be on an opposite Side to them, *Whether will the Heritors Election carry it, or the Peoples?* If the Heritors Choice shall carry it, then the People have no *Consideration* at all, neither personally nor by Representatives, which I think will make the *Overture* ridiculous enough. But it may perhaps be said, *No Election is to be made till Elders be chosen*; Now, will this be able to divest the *Overture* of its ridiculous Dress? I am sure not; it serves rather to represent it as more ridiculous: The People chuse Nine or Ten Elders, there are Twelve Heritors which carry the Election from the Elders; but when there were no Elders, the Heritors lose the Cause, if the Election of the People be sustained against a few Heritors, as in Reason it should. I have heard many Objections against Lay-Elders; but, if People can make no more of them than to lose a valuable Privilege, or a Minister they would incline, I would think they would be glad not to have such *Representatives*. But then, if there must be an Eldership established, before a Minister can be elected, Who chuses the Elders? *Answer*, The People. For what End do they chuse them? *Answer*, To represent them in the Election of a Minister. But the Heritors will overbalance the Elders? Chuse Elders supernumerary to the Heritors. But we have not so many valuable Men to chuse. Then it must land in this, to open a Door for introducing unworthy Persons into Ecclesiastick Offices. All this concerning Elders, and their Election and Establishment before there can be an Election of a Minister, shews, That the Power of electing a Minister is originally in the People. Now, I shall be obliged to any who will shew me,

me, when that Power was taken out of their Hands, and given to such *Representatives*.

6. The *Consideration* given to Heritors in the *Election* of a Minister, according to the *Overture*, is to bring the Lord's People *under a spiritual Vassalage*; to give them a Power over them in their *spiritual Rights*, as they have it over them in *temporal Respects*.

7. If this *Overture* should be enacted, when an *Election* is set about, the Heritors fall a questioning one another's Rights; and he who hath the wrong End of the String speaks bold, with some apparent Probability. What shall the Church do in that Case, when the Title of Electors is not clear? I am afraid their Great Master, who declined the being a *Divider of Inheritances*, hath not empower'd them to call for the Gentlemens Charters; and if they should take this upon them, the Civil Judge would claim the decisive Capacity in a Matter of this Kind: So that, upon a Controversy's arising, we must go to the Civil Judge, to determine who hath Right to *elect* a Minister. It is not like, that he who said, That his *Kingdom was not of this World*, would send his Church to the Powers of this World to enquire into the Character and Title of them who should elect Ministers.

8. If the *Overture* shall be turned into Act, the Patron's Concern and Interest is asserted, the *Overture* appointing to proceed when applied with the Consent of the Patron, and others concerned. Now, whatever Interest or Concern the Patron may plead in Point of Law, yet the Principles of this Church have ever been, that the Interest claimed by Patrons is a Grievance, and that Patronages have no Foundation in Reason or in the Word of God: Posterity may judge by this Regard to the Patron, that it was a Principle of the Church of *Scotland*, that the Patron had a Title to be a Consenter or Dissembler in supplying a vacant Church. Sure I am, whatever he may claim by the Laws establishing Patronages, he hath no Concern by our Principles, and therefore the mentioning his Consent is of the most dangerous Consequence to the present and succeeding Generations.

9. If the Patron's Consent be necessary for moderating a Call within the six Months of his subsisting Right, his Con-
sent

sent to the Election made within these six Months, may be pleaded as equally necessary; so that the Overture makes the Patron's Consent to a Settlement necessary, or a *sine quo non* to the Settlement; and the current Decisions of this Church, where the Presentation is, tho' even Heritors and Elders be wanting, confirms this Way of understanding the Overture.

10. The Overture, if turned into Act, will open a Door to *Simoniacal* Entries into the Ministry: The Heritors to obtain the vacant Stipend, Tacks of Tithes, or other Favours that depend upon the Patron, will be brought to bargain with him for their Votes, in order to support his Presentation; as in a famous Process the former Year, in which the Heritors of a certain Parish gave it as a Reason for suspending a Charge from the pretended Patrons, that they were promised the vacant Stipend, if they would call the Presentee.

11. Another Inconveniency, if the Overture be turned into Act, is, It shall be in the Power of Heritors to prolong the Vacancy; for the Overture puts the Power into the Hands of Heritors and Elders, when the *jus devolutum* is taken away. A Presbytery cannot proceed within six Months after the Vacancy, without the Consent of the Patron; and, after the six Months are run out, they can't proceed without the Heritors and Elders, tho' the whole Parish should never so earnestly desire to have a Minister settled. So that the Overture not only countenances and confirms the Patron's Title, but also, when his Months are elapsed, doth establish new Patrons, with an indefinite Power as to Time, so that the Church shall never be settled till the Heritors and Elders please; yea, tho' all the Elders and People be earnestly desiring a Minister, if there be but one Heritor more in Number as the Elders, the Election cannot obtain till their Time. And that which makes the Matter yet more grievous, tho' all these Heritors were Non-residenters, or were all *Jacobites*, disaffected to Kirk or State or both, till they be pleased a Presbytery cannot proceed to settle a vacant Church. It will not remove this Inconveniency to say, That, if Heritors will not elect, the *jus devolutum* takes Place: For Heritors may elect, but such as
after

after all Endeavours may not be had ; and, when that Process is ended, they may commence a second, a third, and I know not how many, that, if the Overture obtain, it shall not be in the Church's Power to determine when a Vacancy may be settled.

12. Another Inconveniency, if the Overture shall be turned into Act, is, That many Presbyteries will not regard it, as not being agreeable to the Word of God, as being contrary thereto, and prejudicial to the Rights of Christian Societies : And tho' the Heritors shall obtain their Man, and get extraordinary Committees to ordain him ; yet, what Disorder, Confusion and Discontent will this bring into the Church ?

13. If the Overture obtain, Ministers shall be thrust in on Christian Congregations against their Will, and the Credit and Success of the Gospel shall be marred : For, were *Beelzebub* mustering up all his hellish Policy to obstruct the Success of the Gospel, and to catch Souls, sad Experience shews us, that none of his Devices are more effectual for this End. When Pastors and People are not joined together in Love and Desire, what Delight have they in one another ? how unacceptable are the Pastor's Ministrations ?

14. If the Overture shall be turned into Act, and if according to it Elections shall be carried on, we do therein symbolize with the Corruptions in Elections, which obtain among Papists and in the Church of *England*. Bishop *Burnet*, in his *Regale*, tells us, p. 191. " That, after the 12th Century, People had no other Share in Elections, but that they met and applauded the Choice which the Clergy had made." It would seem, the Framers of the Overture had looked to this Time and Practice. But, that we may have a clearer View of this Matter, I shall transcribe two or three more Sentences the Bishop adds, which I think are so much the same with what seems now to be driven at by the Overture, and our many melancholly Decisions, that the Words apply themselves : He tells us, " The Popes were no doubt willing to bring the Elections wholly into the Hands of the Clergy, and Princes likewise were not unwilling to take it out of popular Hands ; so of all Sides they were

“ for

forfaken: And it grew alfo to be generally received
 “ that, inftead of the whole Clergy, only thofe of the
 “ Chapter did choofe; and, inftead of the Concurrence
 “ of the People’s Suffrage, there was only a Publication
 “ made of the Choice in which the Chapter had agreed,
 “ in order to have the Peoples Approbation.” By this
 it appears, that the Overture hath no Precedent earlier as
 the 13th Century; but it is of fuch a complex Nature,
 that we muft defcend lower to find out Precedent for
 fome Parts of its Frame. It appoints us to proceed with-
 in fix Months after the Vacancy to moderate in a Call,
 where there is the Confent of the Patron; that is, If the
 Patron give Leave, the Church may exercife its Power and
 Right. Upon this I fhall tranfcribe, from *Grey’s System*
 of *Engliſh Eccleſiaſtical Law*, the Manner of electing Bi-
 ſhops, Page 31. *The King grants Licence to the Dean*
and Chapter to proceed to the Election. According to
 the Overture, the Patron confents that the Presbytery,
 Heritors and Elders proceed to the Election. Every one
 knows what a Creature of the Magiftrate the Church of
England is, and our Overture makes the Church a De-
 pendent on the Patron: And as, in the Election of the
 Biſhop, there goes along with the *Conge d’Eſlire* a Letter
 miſſive, containing the Name of the Perſon whom they
 ſhall elect and choofe; we fee what comes of the Patron’s
 Confent, or his giving Leave to proceed to a Moderati-
 on; he takes Care that his Man be recommended: So
 that in Effect, tho’ there be the Face and Form of an E-
 lection, the Freedom and Liberty of it is taken away.

But, having given ſome Hints at the Inconveniencies
 and bad Conſequences of the Overture its being enacted,
 I ſhall take a View of the alledged Conveniencies; As,
 1. The Heritors pay Stipend. 2. They are Men of In-
 fluence in the Pariſh. 3. They have a more fixed Reſi-
 dence in, or Relation to the Pariſh as the People. 4. If
 there be not a Regard to the Concurrence and Confent
 of the Patron, he, having the Laws on his Side, may in-
 volve and perplex the Settlement by a Preſentation.
 5. The Elders their voting as the Peoples Representatives
 ſhall prevent the Confuſions, Diviſions, and Heats, that
 uſe to be in popular Elections. 6. We ſhall have a cer-
 tain

tain Rule, according to which to proceed in the Election of Ministers; whereas now we have none: And tho' there should be some Inconveniencies in the Rule, yet better have it as it is, than want one altogether. 7. That, considering what are the Laws of the Land, our Acts should have these in our Eye, so as to conform to these as much as we may; for it is inconvenient to do otherwise.

These are the most notour Pleadings for the Overture that I have been able to gather: If there be any secret Articles, I may not be positive upon these; tho' truly, considering the Structure of the Overture, and the Conduct of our Church-managers in the many lamentable Decisions in the Settling of Churches, there is Cause to suspect some Sub-auditors in, or secret Reasons for, the Overture.

As to the first Reason for the Overture, namely, *The Heritors pay the Stipend; therefore they, and not the People, are to be Electors.* It is ridiculous to plead it: For, 1. Tho' Ministers Stipends come through their Hands, yet they come not out of their private Pockets or Estates; when they buy their Land, they buy not the Stipend. Ministers have their Stipends out of the Tithes, and the Law of the Land hath established these as the Church's Patrimony. 2. Instances can be given of many Parishes, where Heritors pay no Stipend to the Minister; so that, upon the Payment of Stipend, such Heritors have nothing to say in the Election of Ministers for such Parishes. 3. Instances can also be given of Ministers who have Stipend paid from other Parishes, as their own; so that, upon the Score of paying Stipend, the Heritors of one Parish should vote in the Election of a Minister to a Parish where they have no Heritage. 4. A great Part of many Stipends are paid by Vicarages or small Tithes, and that by the People according to their Flocks; so that, upon the Footing of paying Stipend, the People who make such Payments ought to have a Vote. 5. If the Paying of Stipend give them such a distinguishing Character, then Papists may claim the same Right. 6. By this Argument from Payment of Stipend, the Patron's Pretensions are supported: For, if the Heritors who pay the Stipend, but are not the Donors, on this Footing have a

distinguishing Title in the Election of a Minister ; much more the Patron, who pretends to have built, doted or endowed the Church. But the Argument from the Payment of Stipend is good for neither : Tho' really the Overture gives the Patron a transcendent Consideration, and, after his Right is elapsed, establisheth a new Patronage with less Restriction and Limitation as what the Patron is under, he hath but six Months for his Usurpation ; but, after the Elapsing of his Months, the Electors established by the Overture may play the Tyrants to the End of the Chapter.

As to the second Reason for the Overture, *That the Heritors are Men of Influence in the Parish ; therefore they are to have an elective Capacity distinct from the People.* I answer, 1. That it is not to be refused, but Heritors may by their Influence do much Good or Harm in Parishes ; but then this argues against the Overture, which makes no Distinction of Heritors, whether they be Enemies to the Church, or Friends to it ; the Privilege is allowed to Heritors, without any other Limitation than that of their being Protestants. Now, let us see how the Argument from the Heritors being Men of Influence will sometimes run. Such and such Heritors are *Jacobites*, and protest Enemies to this Church, and they habitually dishaunt Ordinances dispensed therein : But they are Men of Influence in the Parish : Therefore they must be proper Electors of Ministers. What a fine Argument is this from Influence ? The Argument from Influence, if it be of any Force, it is when the Influence is upon the Church's Side, and not against it. 2. If these Gentlemen of Influence be Men of real Worth and Merit, they will never suspend the proper Use of their Influence, because they cannot get others deprived of their Privileges, and a Monopoly made of their Rights : If they be such as are only disposed to use their Influence to the Advantage of the Church, upon Condition of their being granted such an Interest in the Election of Ministers, there is just Cause to suspect that the Manner of using their Influence will be, as their Humour and Ambition is gratified. 3. If the Argument from the Influence of Heritors have any Thing in it to support the Overture, then it is not a Majority
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of Heritors that often, yea for ordinary, must cast the Balance; the decisive Stroke must be on the Side of them who have most Rent; so that one Heritor's Vote may overbalance Fifty, because he hath Ten thousand Merks of the Parish, and the Fifty have not Five among them all; so that the Overture is like to begin our Disputes, rather than end them.

As to the third Reason of the distinguishing Regard given to Heritors in the Election of Ministers, founded upon this, *That they reside longer in Parishes as other Persons do.* The following Things may be answered; 1. This Argument might be thought to have something in it, if Heritors were longer-lived than others; but this they do not pretend to: Whatever Privileges they may claim, yet, in the Matter of Life and Death, they must come in, in the common Reckoning, *That all Flesh is Grass.* 2. The most of Families reside as long in Congregations without flitting, for ordinary, as is the Time of a Minister's Settlement among them. 3. Many Families, and their Ancestors, have been longer in Parishes, than Heritors, or their Children, have possessed some Estates. 4. Altho' Tenants should sooner remove, that is no Argument for depriving them of their Suffrage in the Election of a Minister. In a City, the poor Burgesses are not deprived of their Rights, because they may sooner remove from the City; so no more should the poor Believers. 5. This Argument will say nothing for non-residing Heritors, some of whom cannot dwell upon their Interests, unless it be on Crive-walls, and aboard of Salmon Boats. 6. The Elders, as Representatives of the People, are allowed to vote. Now, What Security have the Elders of a longer Residency in the Parish, as their other Neighbours? So that we see how ridiculous the Argument is from long Residence.

As to the Reason for that Part of the Overture which respects the Consent of the Patron, *That this should be, because he, having the Laws on his Side, may involve and perplex the Settlement by a Presentation.* I answer, 1. This supposes that the Presentation is completed; that is, hath its legal Force by an Acceptance; for the Church is in Hazard of no Inconveniency by a Presenta-
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on, if there were no Acceptance ; so that they who make the Consent of the Patron so necessary in proceeding to settle a Vacancy, at the same Time do not discourage Acceptances : For, if we be involved by Presentations, the Presentee is faulty as well as the Patron ; for it is in the Power of the Presentee to prevent any Trouble to the Church from a Presentation, or that the Church should have any Dependence upon the Patron. 2. This of the Consent of the Patron to the Moderation prevents no Inconveniency, but rather brings forth one ; for, if the Patron be not under Ties not to oppose the Settlement of One who shall be sustained elected, the proceeding to moderate a Call with his Consent, is to give him an Opportunity of exercising his Right, under a Pretence of saving the Church's Liberty. 3. If the Consent of the Patron be established in our Acts, whatever fair Glosses may be put upon that now, How shall Posterity be able to judge of the Principle of this Church, with respect to Patronages, when they read this Act, especially that the Overture considers the Patron as One concerned, when it says, *With the Consent of the Patron and others concerned?*

As to the fifth Conveniency alledged to be in turning the Overture into an Act, namely, *That the Elders their voting as the People's Representatives, will prevent the Confusions, Divisions and Heats, that use to be in popular Elections.* The following Things may show the Weakness of that Reason: 1. The Title and Character of the People who should vote in the Election of a Minister can be sooner decided than the Title and Character of Heritors: Apply the Characters I have given of them who should be allowed to chuse a Minister ; the Elders can testify if they be Persons so qualified ; and this is properly the Elders Work, to inspect the Manners of the People. 2. Confusions and Heats, in this Matter, do either arise from Opposition to a Minister, or from a tumultuary Manner of Election. If from the first, the Heats and Divisions will not be the less, that they are refused a Vote; for, if a Minister be thrust in upon a Congregation, there is more Hazard of Heats and Divisions, than if they were allowed to vote in the Election ; for, if they be allowed to vote in the Election, they may divide

in their Choice : But, whichsoever of the Choices obtain, these Electors will adhere to him who is elected, if he be settled among them : But, if the People be not allowed a Suffrage, the Whole, or far greater Part of them, may be against the Man that is chosen and admitted ; and so the Opposition shall be intallibly greater, than if they were allowed to vote. As to Election by the People, its being tumultuary, I may observe, 1. This Objection is not moved against Heritors and Elders, which are more numerous in some Parishes, than the Heads of Families are in others. 2. If the Characters of People electing were once determined, there is no Hazard of Tumult ; for it is not because there is a Multitude, that there are Tumults, but because the People keep not Rule : If they act according to Rule, there is no Tumult ; if they act not according to Rule, neither let them or Heritors either be regarded. 3. Daily Experience shews us, that the Contentions that arise about Elections of Ministers flow for ordinary from the Claims of Patrons and Heritors, the One pretending this Right, and the other that Right, and neither so very cognoscible by the Judicatories of the Church ; and all the Claim of the poor People is, that they may be allowed to vote ; and their Opposition arises from this, that they are in Hazard of having a Minister thrust in upon them. 4. In a great Part of the Parishes of the Nation the Heritors are supernumerary to the Elders ; so that the Elders, for themselves, or for the People, are but Cyphers in the Election, unless the Overture were so contrived and expressed, as that, without a Majority of the Elders, there should be no Election. 4. Seeing that it so happens, and we are told from the Word, *that Divisions must needs be* ; I ask at any, Whether it be easier that the People are divided in their electing a Minister, or that, being denied an elective Capacity, they be divided from the Man elected by Heritors and Elders ? When we are in Hazard of one, of the two, which of them is the lesser Inconveniency ?

As to the sixth Reason for the Overture, namely, *That we shall have a certain Rule according to which to proceed in the Election of Ministers, whereas now we have none ; and tho' there should be some Inconveniencies in the Rule, yet better have it as it is, than want a Rule at*

together. I answer, by asking, 1. At any Man, Had not this Church a Rule from the Reformation to that woful Catastrophe upon the Restoration of King *Charles* the second? 2. I ask, If this Rule was not different from that laid down in the Overture? 3 I ask, If the Rule in our Books of Discipline, and in the Act 1649, as the same was then understood, and expounded by the Divines of that Time, be not more agreeable to the Word of God, as the Rule proposed by the Overture? 4. I ask of them, who say we have no Rule, If the Rule laid down in our Books of Discipline, and Act 1649, was ever repealed? And, if never repealed, why do any alledge that we have no Rule? 5. I am surprized to find some saying, we have no Rule. Is there not a Rule in the New Testament? Indeed, if there be no Rule there, the Church may contrive a Rule; but, according to the Overture, the Security of the Church, and the Privilege of its Members, is not consulted. Upon this, I would offer this Consideration: Either we have a Rule in the New Testament how to proceed in the Election of Ministers, or we have none. That we have none, I hope, no true Son of the Church of *Scotland* will say: If we have a Rule in the New Testament, either the Overture is it, or it is not. That the Overture is it, I defy all the Art of Man to make that out. If it be not agreeable to the New-Testament Rule, what have we to do with it? Are we to set up our own Invention, which we know is not in the Word of God, especially when we are perswaded that there is a Rule in the Word of God, and that the Overture is not the Rule? If we be dubious about what is the New Testament Rule, were it not better we brought our Rule as near to the Word as our Light can go, than that we should establish any Thing as a Rule, or Part of a Rule, that we know, and agree in, to have no Foundation in the New Testament? 6. I suppose they who say, Better have a determined Rule, than want one, mean, that it is better we should be astricted to one uniform Method of electing Ministers, tho' the Method should be inconvenient, than that there should be so many Contentions about Calls. But will the Overture, tho' it were turned into Act, universally bind the Members of this Church?

The Assembly, that would enact it, are not able to prove it to be founded on the Word of God; and therefore they must fall in with the *Englifo Church*, before they can appoint it to be observed under Pain of Censure; for the Principle of the Church of *Scotland* is, That, what is not agreeable to that Word is not binding: So that, instead of establishing a certain Rule, we shall get the one Part of this Church censuring the other for not obeying their Acts, and the other Part refusing Obedience, because these Acts have no Warrant in the Word of God, which hath directed us how we ought to proceed in the Election of Church-officers.

As to the seventh Reason for the Overture, namely, *That, considering what are the Laws of the Land concerning the Settlement of Churches, our Acts should have these in our Eye, so as to conform to these, as much as we may; for it is inconvenient to do otherwise.* The following Things may be said, 1. I am afraid they who reason after this Fashion, are not well enough aware of the Consequences; for, if the Church should proceed in this Way, we shall very soon resolve our Ecclesiastick Government into the Will of the Magistrate. 2. I have distinguished betwixt the Church their proceeding according to any Remain of Liberty, and their laying down such a Method as a standing Rule. If the Church shall be hindred from proceeding according to the New-Testament Rule, or in an exact Conformity thereto, they are not yet to pass an Act establishing that as a Rule that agrees with the Restriction of their Liberty, but not with their Principle. 3. All that could be said upon this Argument for the Overture should only be, to make it an Interim, and not a standing Law; but no Reason can be given, why it should or can be an Interim, because it is not framed so as to ease us of any greater Grievance; it hath no Tendency to remove Patronages, but, instead thereof, ratifies and confirms it, during the Subsistence of the Patron's Months; and, when these are elapsed, substitutes another Patronage in the Hands of Heritors, with an indefinite Power as to Time. 4. The Overture itself bears, That it is designed only to remedy Divisions in Presbyteries in the Method of proceeding to elect Ministers, and

and so doth not prevent any Inconveniencies sustained by the Laws concerning Patronages; so that it should have been adverted to, if the depriving of the People of a Vote in the Election of a Minister, or the giving the Heritors such a distinguishing Consideration, or the acknowledging the Patron as one concerned in the Election of a Minister, was the Way to remedy Divisions on this Head. 5. If it be inconvenient to make a Law different from, or opposite to, the Laws now in Being, concerning the Election or Settlement of Ministers; I ask, if it be not better to run the Risque of all the apprehended Inconveniency, than to establish a Rule which we see is not the Rule in the Word of God? 6. This Argument for the Overture can only respect the Patron's Consent, and not the Election by Heritors and Elders; for, if our Acts upon the Head of settling of Churches keep the Laws of the Land concerning these in our Eye, we have no Business with Heritors and Elders, because the Act of Parliament 1690, concerning their Title in this Matter, is repealed by the Act *decimo Annæ*, restoring Patronages: So that they who would keep the Laws in their Eye in framing an Act concerning the Election of Ministers, must make the Stress of their Act to ly upon the Concern and Interest of the Patron in this Affair.

It will not do to say, That if we would wish to get free of Patronages, it is needful that the Overture be turned into Act, that these who would plead for Patronages, may see what we would put in their Room. For, 1. The Overture includes a Respect to Patronages, and acknowledgeth the Patron's Concern, and so cannot be a Remedy of that Grievance, nor a Substitution of something in its Room. 2. Altho' it were so conceived, as to make no Mention of the Patron, or Acknowledgment of his Concern; yet it is an improper Remedy, astaking away the *jus devolutum* and putting it in the Power of Heritors to protract a Vacancy at Pleasure. If any Remedy of the Grievance of Patronage, or Substitution in its Room were designed, I am sure the Act of Parliament 1690, which was repealed by the Act *decimo Annæ*, restoring Patronages, is far better conceived as the Overture, and hath a greater Respect to the Privileges of the

Church, tho' it also is liable to many just Exceptions.
 3. In the Year 1649, when the Civil Powers abolished Patronages, they first relieved the Church of that Embargo, and then desired that they would lay down a Rule: So that, if the Church were to act freely, they are first to be relieved of a Grievance, and then to act as God's Word directs; but, if we cannot be relieved of a Grievance now, without a bartering Accommodation, it is more eligible, that the Church should improve their remaining Liberty, growing under Disadvantages, till the Lord open a Door of Relief, than that by any Act or Statute they should give up with their Rights, or determine any Thing detrimental to the Rights of any of their Members.

QUEST. IX. Doth the Overture shew such a Regard to the Consent of the Congregation, as is agreeable to the Principles and Acts of this Church?

Ans. **T**HIS cannot be said; for, 1. Whatever Regard is given to, or Power is lodged in, the Eldership by our second Book of Discipline, and by the Act of Assembly 1649, yet there is not any other Power in Distinction from the People brought in by these, as in the Overture. The Elders were then thought, and will be yet thought, in so far as they are Representatives, to represent the rich as well as the poor Christian; for Heritors, as such, are not Members of Church-judicatories more than the Tenants; and the Reason is obvious, the Elders are Church-officers representing the Christian-Societies: So that, supposing the Elders have a representative Capacity in the Election of a Minister, the Landlord is represented as well as the Tenant; and to take in the Heritor and exclude the Tenant, when at the same Time the Elders representative Capacity is asserted, may stand in the Heritors as such, their claiming a Right to sit in Church-judicatories. 2. Our Books of Discipline and Acts of Assembly, make the Consent of the Congregation

an, or of the major or better Part, necessary to the settling of a Minister ; and, tho' the repealed Act 1690 takes in Heritors and Elders as Electors, yet it also hath a Respect to the Consent of the Congregation : But the Overture hath no Respect to the Consent or Acquiescence of the Congregation ; it only gives them a Title of approving or disapproving the Man, that is, of objecting against his Life or Doctrine ; now, they may have nothing to say that Way, and yet the Man elected by Heritors and Elders may not be their Choice. I have already shown that the Divines, in 1649, so interpreted the Consent or Dissent of the People, that if they inclined not the Elders Choice, but another unexceptionable Man rather, that was Ground to cast the Man chosen by the Elders : For, say they, if they have only a Privilege of objecting against Life or Doctrine, there is no Privilege in this, but what any Man, who is not a Member of the Congregation, may claim, and will be allowed ; so that, unless the People can libel the Man elected by Heritors and Elders, he must be, according to the Overture, palmed down upon them, whether they incline him or not.

QUEST. X. *Have Ministers or Probationers any Encouragement or Direction by the Overture to accept of Presentations ?*

Ans. I think they have Encouragement from the Overture to accept of Presentations, because,
1. In Case the Moderation of a Call should be set about within six Months after the Vacancy, the Overture determines the Consent of the Patron needful, and acknowledgeth his Title as one concerned ; and, when his Consent goes along, very peremptorily appoints in the following Words, *That Presbyteries shall forthwith proceed to the planting of the vacant Charge, without putting off till the six Months be elapsed.* Now, when Heritors and Elders, with Consent of the Patron, apply for a Moderation, and the Patron is acknowledged as one concerned ; What remaineth for Ministers and Probationers

to judge, but that they may accept of a Presentation from him whom an Assembly of the Church acknowledges expressly to be one concerned in the Application for supplying the Vacancy ? 2. The Overture recommends to all *Ministers and Preachers, to take Care they do not encourage or go into any Method for planting vacant Churches, contrary to, or inconsistent with, this Rule ;* that is, If a Call be moderate within the six Months after the Vacancy, they be sure to have the Consent of the Patron before they fall in with the Call. Tho' the whole Parish should be for a Man, if the Heritors and Elders, and Patron, concur not, they are not to have any Business with the Affair ; hereby they are pretty expressly directed to accept of Presentations. 3. It will not do here to say, *That there is no more meant by the Consent of the Patron, but that he allows Heritors and Elders to proceed within his Months to elect, tho' the Law denudes them of that Privilege.* For this is no Advantage to them, unless the Patron accept of the Man the Heritors and Elders shall chuse. If they elect not whom he inclines to present, as long as his Months are not elapsed, he is at Liberty to present whom he pleases ; and, according to the Overture, the Persons presented may accept of his Presentation, because he is one so specially concerned, that his Consent is established as a *sine quo non* in the Election. If it be said, *O but they are to have nothing to do with his Presentation, unless the Majority of Heritors and Elders concur ;* This is still a broad Direction and Allowance of Patronages with certain Limitations ; whereas, I have shown from the Principles of this Church, and the Doctrine of eminent Presbyterian Divines, that Patronages cannot be so limited as to be lawfully exercised. 4. When the Parish is in Hazard of being trepaned by the Patron, under a Pretence of allowing them a free Election, were it not better a Delay were made till his Right were run out, and then found the Inclinations of the Parish in the most proper Way ; but to appoint the Moderation of a Call within the Patron's Months, is to give him an Opportunity of presenting, under a Pretence of allowing an Election ; and to own his Concern, is to warrant that

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acknowledgment that is made of his Concern by accepting his Presentation.

QUEST. XI. *Seeing Presentations have no Force in Law, unless accepted by the Presentee, might we not rather expect an Act of Assembly against Acceptances? Or, why have we no such Act?*

Ans^w. **C**ONSIDERING the Advantage given us by the Act of Parliament 1719, by which a Presentation is of no Force in Law unless accepted, what remained for this Church to get rid of the complained-of Grievances, but to discharge all Ministers and Probationers from accepting? And that this hath not been done, is owing partly, 1. To this, that the several Presbyteries in the Nation have not so urged this Affair, as they ought to have done. When People are not themselves troubled with Presentations, they are not so warmly affected with the Distress that many Corners of the Church are in upon Account of them. 2. There have been, and are, so many scandalous Party-projects and Designs in the Settlements of Churches, that for promoting these Ends, and the pleasing of great Men, any Complaints against Acceptances are so far from being regarded, that the Accepters are supported, and particular Presbyteries, that would censure the Accepters, are disapproved. 3. Churches are now so commonly planted by them who make their Entry by Presentations, that we see how much those Persons presented are bound to a slavish Dependence on the Patron, and how much they study all they can to support and maintain the Patron's Interest. 4. It is pretended, tho' without any Ground, *That to make an Act against Acceptances, would be a flying in the Face of the Law establishing Patronages*; A poor and silly Pretence. The Law hath put it in our Power to render a Presentation void and null, but yet we will not exert that Power. But this bringeth forth another Question, viz.

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QUEST. XII. *If the Assembly's Overture making Heritors and Elders Electors of Ministers were turned into Act, would it not be a flying in the Face of the Law?*

Ans. 1. **I** Grant there is an Act of Parliament in 1690, giving the Heritors a distinguishing Capacity in the Election of Ministers: But what is become of the Church of *Scotland*, either as to her Belief of the Word of God as the Rule in this Matter, or as to her zealous Defence of her justly claimed Privileges, when Civil Laws must be the *Measure* and *Directory* of her *Acts*, or she will not pass an Act agreeable to her own Principles, unless the Laws so permit? If we had been always so prudent and cautious, I question very much if we had been any Church this Day.

2. Tho' the Act 1690 were now a standing Law, yet this *Overture* is not altogether agreeable thereto: It regards the Consent of the Congregation and the Session, which I think will be found to be the Majority of the Elders, their Votes must be had; but the *Overture* makes the Heritors and Elders as a conjunct Body: So that, if the Heritors be supernumerary, the Elders are but Cyphers, the Session signifies nothing.

But, 3. Tho' the *Overture* were to a Word conform to the Act 1690, yet the Act 10mo *Annæ*, restoring Patronages, repeals that Act, as what had occasioned Heats and Divisions: So that to make an Act on the Footing of the Act of Parliament 1690, is a double flying in the Face of Law; the *Overture* is not exactly agreeable to the Patronage Act, but is pleaded to be the same with an abrogated and repeated Act.

4. It might be thought, that when the Church is under a Necessity of proceeding in a different, yea, in an opposite Course to some humane Laws, if they ever be careful to act in a Way agreeable to the Dictates of their Great Lord and Master, it should be then: For, no humane Device (as is the *Overture*) can be of sufficient Weight to vindicate the Church, when acting contrary

to a standing Civil Law ; but, when the Church keeps by the Word of God as their Rule, this will answer all Challenges as Transgressors of humane Laws ; and they can ask with Confidence, *Whether it be better to obey God than Man?* Or this will intitle the Church to that Grace which will support when suffering as Transgressors.

5. As the *Overture*, is a flying in the Face of the Law, for the Substance of it, being modelled according to the repealed Act 1690 ; so it is without Ground to say, *That an Act against Acceptances would be a flying in the Face of the Law.* This cannot be, unless the Patronage-Act commanded and appointed Acceptances ; but no such Thing is done : Therefore an Act against Acceptances would be no flying in the Face of the Law, but a reasonable Improvement of the Advantage the Law hath given us. But I am afraid, if the *Overture* be turned into a standing Act, the Contrivers of it will find out a *Subauditur* in the Act, or a secret Article of the Treaty, by which to accomplish their Projects, and to reconcile the *Overture* with their groundless Reasonings about the flying in the Face of Law ; and it may be this, That without the Consent of the Patron Church-Judicatories shall not be allowed to proceed : So that for all the just Exceptions against the *Overture*, as making Heritors and Elders Electors, the Matter is like to resolve into the Patron's Hands. Thus the Contrivers of the *Overture* may may find a Way, tho' to the Ruin of this Church, to defend themselves against a Charge of *flying in the Face of the Law.*

QUEST. XIII. *Was ever any Overture of this Kind transmitted to Presbyteries before now ? Or, is this Overture clothed with all the Advantages of any former of this Kind ?*

Ans. 1. **I**N the Year 1705, we find a Transmission of a great Body of Overtures, among which
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is the Method of electing by Heritors and Elders ; but these Overtures as yet have been laid aside. 2. In the Years 1719 and 1720, these of the larger Overtures that concern Church-sessions and Presbyteries were transmitted; yet, for all the Amendments they got in 1720, the Assembly 1721 thought it inconvenient to turn them into Acts. 3. In the Year 1711, there was a particular Overture concerning the Planting of Churches, *tanquam jure devoluto*, transmitted; but nothing done upon it, that I remember, till the Year 1719, that it was transmitted *de novo*: But, the Presbyteries returning their Exceptions against it Anno 1720, the Assembly that Year re-transmitted it, with this Correction and Limitation concerning Heritors, *viz. That they be well affected to the Government of Church and State*. Notwithstanding of all this Correction, the Plurality of Presbyteries excepted so much against it, as that the Assembly 1721 laid it aside, as inconvenient to be put into Act, tho' really the Overture was then in better Circumstances than what it is now: For, 1. The Heritors who were to be regarded were such as stood well-affected to the Government of Church and State. 2. The Overture had then no Regard to the Consent of the Patron, as now; nor were Presbyteries appointed to proceed during the Patron's fix Months, which can have no better Consequences than the involving them with the Patron, or the making the Settlement to depend upon the Patron's Consent. 3. The Overture, as it stood transmitted in 1719 and 1720, appoints, *That the Elders try the Inclinations of the Heads of Families, and Persons of good Reputation in the Parish, and have Regard thereto in the Choice of a Minister; and the Presbytery shall use all Means, both to know the Inclinations of Heritors and People, and to obtain their Consent, before they give a Presbyterial Call*. But no such Respect or Regard is shown the People by the Overture in its present Shape. 4. The very Form of the Call, as it is in the larger Overture, bears, *That the Heritors and Elders have agreed with the Consent of the Parishoners*. But, according to our now Overture, *The Heritors and Elders proceed to elect, and then propose the Man to be approved or disapproved by the Congregation*.

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By the former and the larger Overtures, Heritors and Elders are to proceed with the Consent of the People; but, by the present Overture, no Word of the Consent of the People; but, instead thereof, they are to proceed with the Consent of the Patron. These are pretty considerable Changes to the worse, and yet the Assembly 1721 thought it inconvenient to put these Overtures into Acts; but now it seems some judge it expedient to put an Overture into Act, that is not corrected, but made vastly worse. I know no Conveniency that can now be pleaded for the Overture in a worse Shape, that could not in 1721 be found for it in a better Shape, unless it be the Conveniency of resolving all into the Hands of the Patron, so that some forced Settlements may (as the Stile now is) be made the more effectual.

QUEST. XIV. *Is this Overture transmitted in a Way agreeable to the Acts of former General Assemblies, and their Faith pledged thereanent?*

Ans^r. IT is not: For, 1. By the Ninth Act of Assembly 1697, what is to be a binding Rule to the Church, is to be transmitted first as an Overture before it be put into Act; but this Overture hath the Force of an Act for a Year, before the Judgment of Presbyteries thereupon could be got. 2. It is expressly declared by the 5th Act of Assembly 1721, *That, before this Overture should be turned into Act, it should be again transmitted to Presbyteries*. Now, it is not a little surprising, that when the Assembly 1721 thought it inconvenient to turn an Overture of this Kind into Act, when it was in better Circumstances, that the Assembly 1731, Ten Years thereafter, when every Body will allow the Times to be worse, should give this Overture the Force of an Act for a Year, when both the Times are worse, and the Overture is worse conceived, and several Things are taken in to it of more dangerous Consequences to this Church, than in the Shape in which it was transmitted

ted, Anno 1720, and was rejected as inconvenient to be put into Act Anno 1721.

It will not do here to say, That the Meaning of these mentioned Acts, is only, that the Overtures are not to be made standing and continuing Laws, till the Judgment of Presbyteries be had upon them, and not that they may not have the Force of an Act, till Presbyteries give their Returns.

For, 1. It seems very unaccountable, that an Overture transmitted for Advice, if it be lawful or proper to turn it into Act, should have the Force of an Act, till Judgment concerning it be given : If Presbyteries shall return the Overture with this Opinion, that it is unlawful, and is disagreeable to the Word of God, what shall be thought of the Inadvertency of a Church, to give such a Thing a Year's bearing? 2. The Assembly 1721 laid aside an Overture of this Kind, as inconvenient to be turned into Act, engaging to retransmit it before it should be again enacted; and many do think it rash and unfair, to give this Overture the Force of an Act, when it was clothed with more Inconveniencies, and contained in it more Things justly exceptionable. 3. Altho' there were not such an Act as that of 1697, concerning the Method of transmitting Overtures in general, nor such an Act as 1721, relating to an Overture of this Kind in particular; the many Complaints before our Assemblies upon the Head of Patronages, and forced Settlements of Congregations, against the Will of the People, required more Caution and Tenderness, than to make that an Act for a Year, which might give Occasion to so many Debates as do obtain with Respect to Settlements. So that this Overture is conceiv'd in Terms more inconsistent with the Principles of this Church than any of this Kind, and is transmitted in a Way disagreeable to Acts of Assembly, and their Faith pledged in these.

Q^UEST. XV. *Should this Overture be turn'd into an Act, will it at all remedy the Inconveniencies and Divisions that have arisen, or do arise upon the Planting of vacant Churches, as is proposed thereby?*

Ans^W. 1. **T**HE being united in the Matter of the Overture, would be an Union upon another Footing than Truth, and the Principles of the Church of *Scotland*; so that an Union of this Kind would not answer to the Inconveniency of flying in the Face of our Principles. But, 2. I hope, this Church is not so degenerated, as to fall in with the Overture, or be bound by it, tho' it were turned into Act; so that it will not answer the pretended End of being an uniform Rule. The Patrons of the Overture would have it take it Effect; others think it hath no Foundation in, but is contrary to, the Word of God; therefore the Overture-men will be so good, as to excuse such, who chuse rather to follow the Word of God, than a humane Device. But, I am afraid, if once it be turned into Act, its Patrons will plead it to be a Part of our Constitution; a Word they very often affront, and are zealous to spell and pronounce, when they are taking the most direct Methods to ruine our Constitution. 3. If we take a right View of Divisions, the Overture seems rather to be conceiv'd to increase, than to remedy, them; And this I think will unquestionably appear, if we consider Divisions either as in the Judicatories of the Church, or among the Electors of a Minister, or between the People and the obtruded Pastor. As to Divisions in Church-judicatories, both the Members of one and the same Judiciary will be divided, and Judicatories from one another. As to the Electors of Ministers, they shall be divided as to their several Rights, and Claims, and preferable Titles, especially in the Matter of Heritors. As to the People, they will be divided from the obtruded Pastor; and what will his Ministry do to them, who will not submit thereto? I know 'tis said, *There is no Fear but the People will submit, and they do submit, even where they have been*

been averse to the Settlement. But, as Instances can be given to the contrary of this, so, where People hear the obtruded Minister, it is, because they cannot conveniently attend elsewhere ; and still they have Grudges in their Minds, which they scruple not on any Occasion to express. But there is one sad Ingredient of Division, or, I may say, the very Soul of Division, that will be found the Consequence of turning the Overture into Act, and that is, the Alienation of Affection that will be among Pastors, and between Pastors and their People ; the Patrons of the Overture, and the Promoters of the many woful Settlements that now obtain, being either suspected of Disaffection to this Church, or as under a woful Neutrality concerning the Interests thereof. So that I am afraid the Overture's being turned into an Act, shall be among some of the unhappy *Æra's* of this Church, and will never contribute to its Advantage.

